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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,544	06/10/2005	Thomas Ehrhardt	BASF.10040	5422
45473 7590 06/07/2007 HUTCHISON LAW GROUP PLLC PO BOX 31686			EXAMINER	
			KRUSE, DAVID H	
RALEIGH, NC 27612			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary 10/538,544 EHRHARDT ET AL.	S,
David H. Kruse David H. Kruse David H. Kruse David H. Kruse Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ∫ MONTH(S) OR THIRTY (30) DAY WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the malling date of this communication. I NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the malling date of this communication. I NO period for reply with the set or extended period for reply will, by statule, cause the application to become ABANDONED (35 U.S. €, 133). Any reply received by the Office later than three months after the mailing date of this communication, even it timely filed, may reduce any cered patient term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on	S,
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAY WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after ISI, (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication to become ABANDONED (33 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any searce patient term adjustment. See 37 CFR 1.704(b): Status 1) Responsive to communication(s) filled on	S,
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 Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application Paper No(s)/Mail Date	

Application/Control Number: 10/538,544

Art Unit: 1638

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 27, 29 and 42, drawn to a glyoxysomal malate dehydrogenase, and a support comprising same.

Group II, claim(s) 28, 31, 32 and 42, drawn to a plant nucleic acid "sequence" encoding a glyoxysomal malate dehydrogenase, and a support comprising same.

Group III, claim(s) 30, drawn to a method of detection functional analogs by conducting a computer search.

Group IV, claim(s) 33, 50 and 51, drawn to a transgenic plant or cells therefrom and a method of making said transgenic plant.

Group V, claim(s) 34-39, 41 and 43, drawn to a method of identifying substances with herbicidal activity using an isolated glyoxysomal malate dehydrogenase.

Group VI, claim(s) 40, drawn to a method for identifying substances with growth-regulatory activity using a transgenic plant.

Group VII, claim(s) 44 and 45, drawn to a compound with herbicidal or growth-regulatory activity.

Group VIII, claim(s) 46, drawn to a method of preparation of an agrochemical composition.

Group IX, claim(s) 47, drawn to a method of controlling undesired vegetation using a compound with herbicidal activity.

Group X, claim(s) 48 and 49, drawn to a method for generating nucleic acid sequences encoding malate dehydrogenase, which is not inhibited by substances.

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2. The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: As stated in the International Search Report, the invention of Group I was known in the art at the time of the instant invention, hence the claims as a whole lack a single general inventive concept because they lack the same special technical feature.

- 3. Applicant is advised that the reply to this requirement to be complete within one month (not less than 30 days) must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at (571) 272-0975. The central FAX number for official correspondence is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-1600.

DAVID H. KRUSE, PH.D. PRIMARY EXAMINER

Mhuse

David H. Kruse, Ph.D. 31 May 2007

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6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.